

United States Courts
Southern District of Texas
FILED

NOV 09 2018

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Jose Luis MATA

CRIMINAL COMPLAINT

Case Number: C-18-4996M-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 7, 2018 in Brooks County, in the

Southern District of Texas defendant, Jose Luis MATA

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Antonino Gonzalez Jr.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

November 9, 2018

Date

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

Antonino Gonzalez Jr.
Signature of Complainant

Antonino Gonzalez Jr.
Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On November 7, 2018, Border Patrol Agents arrested Jose Luis MATA at the United States Border Patrol Checkpoint near Falfurrias, Texas for attempting to smuggle two illegal aliens in the vehicle they were traveling in.

FACTS/DETAILS:

At approximately 11:00 p.m., a green Ford F150 arrived at the Falfurrias Border Patrol Checkpoint. The Border Patrol Agent at primary noticed five occupants in the vehicle as it approached the inspection lane. The agent saw two male subjects who appeared to be texting on their cellphones sitting in the rear passenger seat. A female front seat passenger was holding an infant in her arms. The agent asked the driver, later identified as Jose Luis MATA, if he was a United States citizen. He replied "Yes." He then asked the front seat passenger, if she was a United States citizen. She replied "Yes." The agent turned his attention to the rear seat passengers who were still pretending to be doing something on their cellphones.

The agent was able to see the driver-side rear seat passenger's cellphone had a plank screen as the subject continued to look at it. When the agent initially asked the two rear seat passengers questions regarding their citizenship, they ignored him. Then one of the subjects later identified as Wilmer Roberto ENAMORADO-Leiva replied, "Yes." When the agent asked the other rear seat passenger later identified as Hector Vasmin PERDOMO-Caballero where he was born, he replied, "Yes."

Due to the suspicious behavior of the rear seat passengers, the agent referred the vehicle to the secondary inspection area. At the secondary inspection area, both ENAMORADO-Leiva and PERDOMO-Caballero admitted they were illegally present in the United States.

Jose Luis MATA and the front seat passenger were arrested for alien smuggling, and all subjects were escorted into the Border Patrol Checkpoint for further processing and interviewing. All subjects were advised of their Miranda Rights, and they all stated they understood their rights. The front seat passenger and smuggled alien ENAMORADO-Leiva both invoked their rights and stated they were not willing to make statements without the presence of an attorney.

NOTE: Agents contacted the front seat passenger's mother. She went to the Border Patrol Checkpoint where the infant was released to her.

PRINCIPAL STATEMENT (Jose Luis MATA):

MATA stated he and his wife (front seat passenger) attended a football game from 6:30 p.m. to about 8:00 p.m. MATA stated he and his wife were on their way to Laredo, Texas, to recover (tow) his vehicle that broke down at a Flying J truck stop. MATA stated he asked ENAMORADO-Leiva and PERDOMO-Caballero to help him tow his vehicle back to Mercedes,

Texas. He stated he met ENAMORADO-Leiva and PERDOMO-Caballero about a month ago. He also stated they smoke marijuana together, and he did not know they were illegal aliens.

MATERIAL WITNESS STATEMENT (PERDOMO-Caballero):

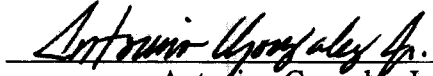
PERDOMO-Caballero stated he made arrangements with an unknown male in Reynosa, Tamaulipas, Mexico, to be smuggled to Houston, Texas for \$3,000.00. PERDOMO-Caballero stated an unknown male subject took him in a black sedan to a pharmacy parking lot at 6:00 p.m. He stated the male subject told him to get inside the pick-up truck that he was encountered in. PERDOMO-Caballero stated once he was inside the truck the driver (MATA) told him not to worry, and he was going to take them to Houston, Texas. He stated when they left the parking lot they went to MATA's son's ball game. PERDOMO-Caballero stated, that after the game MATA and the front seat passenger started to drive them to Houston, Texas.

PERDOMO-Caballero was shown a photo line-up and was able to identify MATA as the driver of the vehicle he was being smuggled in.

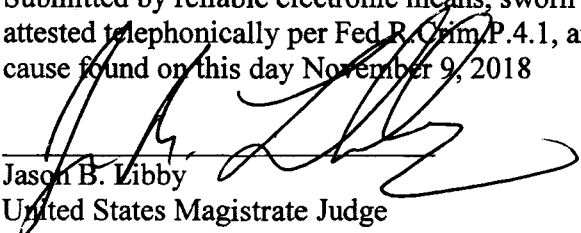
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Jose Luis MATA for prosecution of 8 USC 1324, Alien Smuggling. Wilmer Roberto ENAMORADO-Leiva and Hector Vasmin PERDOMO-Caballero will be held as Material Witnesses.

NOTE: Prosecution of the front seat passenger was not sought at this time; she was processed accordingly and released.


Antonino Gonzalez Jr.
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed R. Crim P.4.1, and probable cause found on this day November 9, 2018


Jason B. Libby
United States Magistrate Judge